

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION AT MEMPHIS**

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**ELEANOR R. RUSSELL  
a/k/a ELEANOR BELFOUR,**

**PLAINTIFF**

**Vs.**

**No. \_\_\_\_\_  
JURY DEMANDED**

**ALLSTATE INSURANCE COMPANY,**

**DEFENDANT**

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NOTICE FOR REMOVAL OF CIVIL ACTION

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TO THE HONORABLE JUDGES OF THE U. S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE:

COMES NOW Allstate Insurance Company, by its undersigned attorneys, and  
respectfully shows this Court as follows:

1. Petitioner is a defendant in the above entitled action.
2. On September 11, 2009, Plaintiff, Eleanor R. Russell a/k/a Eleanor Belfour, commenced the above entitled action against the Petitioner, Allstate Insurance Company in the Circuit Court of Shelby County, Tennessee under cause number CT-004337-09. Attached hereto as Exhibit A is a copy of the Complaint, Certificate of Service, and Service of Process.
3. There have been no proceedings since the filing of the Complaint.
4. The amount in controversy in the above entitled action, exclusive of interest and cost, exceeds \$75,000.00. At the time of the commencement of this

action, and at the time of the filing of this Petition, Plaintiff alleges that she is a citizen of the State of Tennessee, residing in Shelby County.

5. At the time of commencement of this action and the filing of this Petition, Petitioner, Allstate Insurance Company, is a corporation, duly incorporated and authorized to do business in the State of Delaware and has its principal place of business in Northbrook, Illinois.
6. The above entitled action is a civil action for insurance proceeds, bad faith and breach of the Tennessee Consumer Protection Act brought by Eleanor R. Russell a/k/a Eleanor Belfour against Allstate Insurance Company. This claim is a result of a fire, which occurred on or about September 12, 2008 at 1008 Emmie, Memphis, Shelby County, Tennessee, as more fully appears in the Complaint attached hereto.
7. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 since diversity of citizenship exists between the parties, and since Petitioner, Allstate Insurance Company, is not a citizen or a resident of the State of Tennessee, wherein the above entitled action is pending, removal of this action to this Court is proper pursuant to 28 U.S.C. §1441 (a), (b).
8. This petition is filed with this court within thirty (30) days after receipt of the summons and Complaint filed by the Plaintiff. Allstate was served through C.T. Corporation by Tennessee Insurance Commissioner, certified mail on September 28, 2009, postmarked September 25, 2009.

WHEREFORE, PETITIONER PRAYS, that the above entitled action be removed

from the Circuit Court of Shelby County, Tennessee to this Court and that Allstate be afforded a trial by jury.

Respectfully submitted,

HOLLEY, WALDROP, NEARN & LAZAROV, P.C.

/s/ David M. Waldrop  
David M. Waldrop #13079  
Attorney for Allstate Insurance Company  
9032 Stone Walk Place  
Germantown, Tennessee 38138  
(901) 759-3489

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing has been served upon John R. Cannon, Jr., Esq., 22 North Front Street, Suite 850, Memphis, TN 38103, by placing a copy of same in the U.S. Mail, postage prepaid, this the 19th day of October, 2009.

/s/ David M. Waldrop  
David M. Waldrop